

Office of Secretary of State,
Sacramento, California, *Nov 30th 1857*

I, DAVID F. DOUGLASS, Secretary of State of the
State of California, do hereby certify that *J. Carrillo*
whose name is subscribed to the annexed certificate,
was, at the time of signing the same, a duly commissioned, quali-
fied and acting Judge of the Second judicial District and
that *Auguste Leis* whose name is subscribed to the annexed
certificate was, at the time of signing the same, a duly
commissioned, qualified and acting Clerk of the District
Court in said Second District
in and for the County of *Santa Barbara* in said
State, and that full faith and credit are due to his official acts as
such.

Witness my hand, and the Great
Seal of State, at Office in Sacra-
mento, California, the *Thirtieth*
day of *November* A.D. 1857

David F. Douglass

Secretary of State.

State of California County of Santa Barbara

Thomas Wallace more

vs

M. J. Box

} Dis. Court 2^d Jud. District

The Plaintiff Thomas Wallace more a resident of the County of Santa Barbara complains of M. J. Box and says that on or about the 29th of July 1853 the said defendant being indebted to the plaintiff in the Sum of two thousand dollars undertook in and by a writing to that effect bearing said date to pay the same to the plaintiff in two months thereafter with five per cent per month interest. The plaintiff further shows that the defendant by way of security for the repayment of said Sum and interest, assigned to the plaintiff the right of said defendant in a certain herd of swine which defendant represented as valuable and being then under proper keeping and subjection in the Island of Santa Cruz.

Plaintiff further shows that the defendant on or about

Still representing as aforesaid. and, as this plaintiff believes and avers fraudently and with intent to deceive the condition of said swine to be such as above stated and such as to constitute a valuable security for a further loan borrowed from Plaintiff and the plaintiff then and there lent to him the further sum of one thousand dollars at five per cent per month interest payable together with the amount of the former loan in the further term of two months after said first day of September 1833.

Plaintiff further shows that thereafter and before the time at which the said obligation of the defendant became due viz on or about the 20th of October 1833, plaintiff demanded to have ^{the} possession of the said swine so as aforesaid assigned to plaintiff as collateral security and that plaintiff neglected to deliver the same, but subscribed a certain document wherein and whereby he empowered one Martin, M. Kimberly to take possession of the said swine in behalf of this plaintiff

Plaintiff is informed and believes that the said Kimberly for repaired for that purpose to said Island of Santa Cruz but found that the greater part of said Swine had become wild from abandonment and neglect of the said defendant and his agents and that the expense of gathering and herding them would be more than the value of the same. That the said Kimberly only succeeded in capturing a small number thereof, to wit: about two hundred head of Swine of all kinds which from their wild and untractable nature escaped ~~from~~ soon after from the control of this plaintiff, strayed away, were devoured or stolen and have totally disappeared. And that of the said herd of Swine there is nothing left but a certain number of wild Swine ranging among the precipitous hills of Santa Cruz, unapproachable, untameable, and daily hunted by the inhabitants of said Island as ferce nature and nuisances.

And the plaintiff avers and expressly charges that the defendant

by his abandonment & neglect of
said Swine lost all rights of property
of in and to the same whereby this
plaintiff was defrauded of the said
collateral security for the same & as
aforesaid advanced by him.

The plaintiff further shows that
the defendant although requested
has neglected and refused to pay
to him the said sum of two thousand
dollars or the said further sum of
one thousand dollars or any part
thereof, or any part of the interest
money due thereon and the plaintiff
averts that there is now due to him
by the defendant the said sum of
three thousand dollars and interest
on two thousand at five per cent
per month from July 29th 1853 and
interest at five per cent per month
on one thousand dollars from
September 1st 1853 for which several
sums together with the costs of
this suit he prays judgment.

The plaintiff further shows
that about the end of the year
1853 as plaintiff is informed and
believes the said defendant absconded



from this State and removed there
from and that his residence is
unknown to the plaintiff altho-
ugh he has made diligent inquiry
to ascertain the same, wherefore he
prays that the summons in this
action be served by publication accor-
-ding to law.

Eugene L. Lee
attorney for Plaintiff

City and County of Santa Barbara:

Thomas, W. Moore

the plaintiff in this suit being duly
sworn says that he has read the
foregoing complaint and knows the
contents thereof, and that the same
are true of his own knowledge except
as to those matters that are therein
stated to be on information and
belief and as to those he believes them
to be true.

Sworn before me this  J. Wallace, Moore
2^d day of June 1887 

Valentine W. Stearns

Justice of the Peace

Will Count &
Justice District

Santa Barbara County

J. Wallace Dunn
by

Mr. J. B. St

Confession

Prison. The prisoners in
this come being by order of
this court published for
3 months consecutively in
the Santa Barbara Gazette
and no answer being
given 40 days thereafter
the report of depositions
for not answering was
entered in accordance
with order of the court
in open court.

Run 9 1887
Eugene dees
deem

Wiles June 2^d 1887
Geo. W. Wicks
deem

State of California } on the District Court
Santa Barbara County } 2nd Judicial District
Thomas. Wallace, Mord }
vs }
M. J. Box }

The People of the State of California
To
M. J. Box

You are hereby
required to appear and answer in
an action brought against you by
Thomas. Wallace, Mord in the District
Court of the second Judicial District,
in and for Santa Barbara County,
and to answer the complaint filed
therein within ten (10) days, if served
within this County; within twenty
(20) days if served out of this County,
but within this Judicial District, or
in all other cases within forty (40)
days after the service on you of this
Summons (always in either case
exclusive of the day of service,) or
judgment by default will be
taken against you, according to
the prayer of said Complaint
The said action is brought

belief, and as to those he believes
them to be true.

Shewn before me this
2^d day of June 1837

J. Wallace, more

Valentine W. Heaune

Justice of the peace

State of California } District Court second
Santa Barbara } ss Judicial Dist. Santa
Barbara County

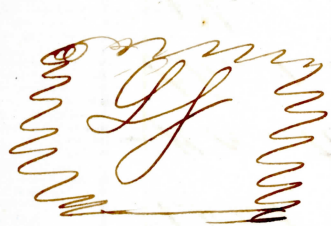
Thomas Wallace more Plaintiff
vs
M. J. Box Defendant }

On reading the complaint
of plaintiff in this cause duly ver-
ified, and it appearing therefrom
that the said defendant has de-
parted from this State, and
that a cause of action exists against
the said defendant, and on motion
of Eugene Lies, attorney for plaintiff
ordered that service of summons in
this cause be made by publication thereof
in the Santa Barbara Gazette once
a week for three months successively
Made at Santa Barbara on this
2^d day of June, A.D. 1837.

Charles Fernald

State of California
Santa Barbara County }

P. George S. Fisher Clerk
Clerk of the District Court of the
second Judicial District, in and
for said County, do hereby certify
that the foregoing affidavit and
order are true copies of the originals
now on file in my office



Witness my hand and
the seal of said Court
this 3^d day of June A.D. 1837
George S. Fisher
Clerk

On the District Court 2^d Judicial District
Santa Barbara County

Thomas Wallace and Plaintiff

vs
W. J. Box Defendant

Peter Jones
being duly sworn in open court
deposes and says: that he is one
of the proprietors of the Santa Barbara
Herald, newspaper, printed and
published in the city ^{& county} of Santa
Barbara; that the foregoing summons
and order in this cause has been

published in the above named
"Gazette" once a week for three
months successively.

Given & Subscribed to Peter Yrassay
in open Court this fourth
day of November A.D.
1857 Eugene Lies
Clerk Court
D^o J^{ud} Dist.

District Court 2^d Jud. District
Thomas Wallace M^oro
vs
Mr. J. V. Box

And now on this
fourth day of November A.D. 1857
comes the plaintiff and shows the
orders of this Court for service by publication
of the summons and prays that defend-
ant's default be entered whereupon &
on due proof of publication & that the
appearance of the defendant has not
been entered, ordered that his default
for not answering be and the same
is hereby accordingly entered.

And a jury trial being waived,
the Court proceeded to try the cause

and such proceedings were thereupon
had that the court took the cause
under advisement & caused the follow-
ing opinion to be filed with the clerk.

This cause comes to trial before the
court without a jury in the absence
of the defendant who defaulted for
not answering after due proof of the
publication of the summons under
the statute was ordered by the court
to be entered - It appears that in July
1858 the defendant borrowed two
thousand Dollars & soon afterwards
one thousand ~~more~~ Dollars of the
plaintiff. As a security for the loan
the defendant subscribed two several
bills of sale of certain hogs on the Island
of Santa Cruz representing them to
be valuable property in good keeping
& subject to & sufficient security for
the loan. No paper for the direct
repayment of the loan accompanies
the bills, The promise to repay is
almost implied. But the Bills
of sale are conditional and provide
for redemption if the defendant
shall by a certain day repay the
money & 8% of the plaintiff -

afterwards demands possession of the hogs & on enquiring found that they, by Defendant's neglect had become unmanageable & had withdrawn to the mountains where they ranged in a wild state not being worth the catching. The defendant soon afterwards absconded from the state.

This must be treated as an action of fraud not of Contract - The complaint prays for damages to be computed according to the rate of interest of money at 50% per month which implies in figures may be translated as a demand for damages in the sum of 10500 Leucenas - The Court, adjudging within that margin, finds the sum of \$5000, having the calculation on a computation of principal and interest due at 8% on the 29th of September 1833 interest since then at 10% per year and a round sum for expenses & other specific damages of which the evidence showed some traces - Ordered therefore that judgment be entered in favor of plaintiff & against defendant for

the sum of \$3,000. Duues and
Carrs - Santa Barbara 9th November
1887 - J Carrillo. Juez

Now therefore judgment is
hereby entered in favor of plaintiff
& against defendant for Damages \$3,000.00

For Carrs - - - - - 93.95

Altogether the sum of - - \$ 3,093.95
Five thousand ninety three ⁹⁵/₁₀₀ Cents

Eugene Lies, Clerk
A true copy of the judgment in
cause taken this 9th day of Nov. A.D. 1887

Eugene Lies

Clk this Court 2nd Jud. Dist.

State of California
County of Santa Barbara }

P. Eugene Lies, Clerk
of the Dist. Court of 2nd Jud District do
hereby Certify, that the foregoing com-
plaint with the endorsements thereon
The Immuns. with the order of publica-
tion-affidavit & certificate of Clerk
together with the affidavit of publi-
cation, and the finding and
judgment of the Court, are, true
and correct copies of the originals
now on file in my office.

In testimony whereof



I have hereunto set
my hand and
the seal of the Dist
Court of 2^d Jud. Dist. on
this 9th day of November
A.D. 1887

Eugene Lier
County Clerk
By Chas. E. Cook
Deputy

State of California,
County of Santa Barbara.

J. Joaquin Carrillo, Judge
of the District Court of the 2nd
Judicial District of the State of
California, do hereby certify that
the foregoing attestation of Eugene
Lier, County Clerk of the County
of Santa Barbara, and ex officio Clerk
of the District Court of the 2nd
Judicial District, in and for the
County of Santa Barbara, is in
due form of law.

J. Carrillo
Judge of District
2nd Judicial District